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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

BACKWARD CLASSES, MOST BACKWARD CLASSES AND MINORITIES WELFARE DEPARTMENT

Tamil Nadu State Haj Committee Rules, 2019.

*[G.O. Ms. No. 54, Backward Classes, Most Backward Classes and Minorities Welfare (S1),
10th September 2019, Aavani 24, Vikari, Thiruvalluvar Aandu-2050.]*

No. SRO A-39/2019.— In exercise of the powers conferred by Section 47 of the Haj Committee Act, 2002 (Central Act 35 of 2002), the Governor of Tamil Nadu, in consultation with the Central Government, hereby makes the following Rules:-

RULES

CHAPTER - I

PRELIMINARY

1. Short title and commencement .-

These rules may be called the Tamil Nadu State Haj Committee Rules, 2019.

2. Definitions .- (1)

(1) In these rules, unless the context otherwise requires.-

(a) **“Act”** means the Haj Committee Act, 2002 (Central Act 35 of 2002);

(b) **“Building selection team”** means a team of members nominated by the State Committee to select accommodation for the Haj Pilgrims at Makkah and Madinah;

(c) **“Chairperson”** means the Chairperson of the State Committee, elected or appointed under sub-section (1) or sub-section (2) of Section 21 of the Act, as the case may be;

(d) **“Government”** means the Government of Tamil Nadu.

(e) **“Member”** means the member of the State Committee nominated under section 18 of the Act and includes Chairperson;

(f) **“Notification”** means a notification published in the official Gazette of the Government of Tamil Nadu.

(g) **“Prescribed”** means Prescribed by rules issued under the Act.

(h) **“Section”** means a section of the Act.

(i) **“State”** means the State of Tamil Nadu.

(j) **“State Committee”** means the Tamil Nadu State Haj Committee constituted under section 17 of the Act;

(2) All words and expressions used in these rules and not defined but defined in the Act, shall have the same meanings assigned to them in the Act.

3. Headquarters of the State Committee, -

The State Committee shall have its Headquarters at Chennai.

CHAPTER – II

NOMINATION OF MEMBERS OF THE STATE COMMITTEE

4. Nomination of members of the State Committee .-

(1) As the State does not have Legislative Council, the State Government shall nominate three members of the State Committee as per clause (i) of sub-section (1) of Section 18 of the Act, as specified below :-

(a) One Muslim member of Parliament representing the State.

(b) Two Muslim members of the State Legislative Assembly.

(2) In case, there are no Muslim members in any of the categories mentioned in clauses (i) and (ii) of sub-section (1) of Section 18 of the Act, the State Government shall nominate ex-Muslim Members of Parliament or Legislative Assembly or Local bodies, as the case may be.

5. Publication of names of members of the State Committee .-

After the nomination of the members of the State Committee under sub-section (1) of Section 18 of the Act, the Government shall issue a notification of the names of the members of the Committee under Section 19 of the Act. The notification shall be published in the *Tamil Nadu Government Gazette*.

6. Reconstitution of the State Committee .-

(1) The Government may take all necessary steps to constitute a new State Committee atleast four months before the expiry of the term of the State Committee.

(2) An outgoing member shall be eligible for re-nomination of the State Committee for not more than two terms :

Provided that fifty percent of the members nominated to the State Committee as per clauses (i)(ii) and (iii) of sub-section (1) of Section 18 of the Act, shall be eligible for re-nomination for another term:

Provided further that the members so re-nominated shall cease to be members of the State Committee, if they cease to continue in the post by virtue of which they were originally nominated.

7. Disqualification for being nominated or for continuing as a member of the State Committee .-

A person shall be disqualified for being nominated, or for continuing, as a member of the State Committee, if he –

- (i) is not a citizen of India;
- (ii) is not a resident of that State;
- (iii) is not a Muslim, except for an Executive Officer as provided in clause (vi) of sub-section (1) of Section 18;
- (iv) is less than twenty-five years of age;
- (v) is of unsound mind and stands so declared by a competent court;
- (vi) is an undischarged insolvent;
- (vii) has been convicted of an offence which, in the opinion of the State Government, involves a moral turpitude;
- (viii) has been on a previous occasion-
 - (a) removed from his office as a member; or
 - (b) removed by an order of a competent authority either for not acting in the interest of the pilgrims or for corruption.

8. Election of Chairperson .-

On the appointed date and time of the first meeting, the Government shall authorize any one of the senior members nominated to the State Committee to preside over and call for proposals for election as the Chairperson, to be proposed by not less than one member and seconded by another member. The member presiding over the meeting shall then proceed with the election of the Chairperson. If there are more than one contestant he shall declare any one of the contestant elected as the Chairperson, who secures simple majority. If there is no contest, he shall declare the sole nominee as elected unanimously as the Chairperson.

9. Allowances payable to Chairperson and other members .-

(1) The Chairperson and the members of the State Committee are eligible for travelling allowance, daily allowance and sitting fees for attending the meetings of the State Committee and functions or programmes relating to Haj, from their respective native places to the State headquarters or any other venue for the meeting at the rates admissible to First Class Committee of the State Government.

(2) The *ex-officio* member of the State Committee shall be entitled to travelling allowance and daily allowance for undertaking tours in connection with the State Committee's work, within India at such rates as are admissible to the officials of the corresponding rank in the State Government and the expenditure shall be initially met from the funds of the State Committee and later, the expenditure shall be got reimbursed from the State Government.

(3) The expenditure on the travelling allowance, daily allowance and sitting fees of the members of the State Committee (other than *ex-officio* member) shall also be initially met from the funds of the State Committee and later, the expenditure shall be got reimbursed from the State Government.

CHAPTER – III

POWERS AND DUTIES OF CHAIRPERSON AND OTHER MATTERS RELATING TO THAT OFFICE.**10. Powers and Duties of the Chairperson.-**

(1) The Chairperson shall be at liberty to omit from a notice of motion, any matter which he considers to be libelous or grossly offensive and, if he deems proper, disallow a motion altogether on the said grounds. The Chairperson may also direct any matter, which in his opinion, is libelous or grossly offensive to be omitted from the minutes of the proceedings of the meeting.

(2) The Chairperson shall disallow :-

(a) a proposal moved by any member, where the member or his partner or any other associate is directly or indirectly interested in the management or direction of any business relating to the pilgrims traffic or in which any one of them is professionally interested on behalf of any person engaged in such business;

(b) any motion containing a statement, the accuracy of which cannot be substantiated by the mover of the motion.

(3) The Chairperson shall decide summarily all points of order or procedure, but a review of his decision shall be permissible at a subsequent meeting of the State Committee. The proposal for such review shall be addressed to the State Committee, in the form of substantive motion directly calling such decision into question, and notice of not less than three clear days shall be given for such motion.

(4) The Chairperson may, with the consent of the members present at the meeting, allow any member to introduce any motion not mentioned in the Agenda for such meeting.

(5) The Chairperson may invite any officer of the State Government dealing with Haj activities to attend any meeting of the State Committee as a "Special Invitee" and such officer may be allowed to participate in the discussion at the meeting.

11. Convening of meetings of the State Committee .-

(1) The meeting of the State Committee, after the election or appointment of the Chairperson under Section 21 of the Act, shall be held on such day, time and place as may be fixed by the Chairperson;

(2) If for any reason, such meeting is not held on the day fixed under sub-rule(1), it shall be held on any other day as may be fixed by the Chairperson. The meetings of the State Committee thereafter may, subject to the provisions of sub-section (1) of Section 28 of the Act, be held as and when considered necessary by the Chairperson to make arrangements for Haj or to review the said arrangements made by the State Committee :

Provided that the Chairperson may, whenever he thinks fit, call a special meeting of the State Committee on any day fixed by him and he shall, on the written requisition of not less than one-third of the members of the State Committee, call an extraordinary meeting on a date not later than four days after such requisition.

(3) If at any time during the meeting of the State Committee, it is brought to the notice of the Chairperson that the number of members present falls short of the number required to make a quorum under sub-section (2) of Section 28 of the Act, the Chairperson shall adjourn the meeting to some other day, at such time and place as he deems proper.

12. Duties of the State Committee .-

The State Committee shall discharge the following duties, namely:-

(a) calling for applications from Haj pilgrims of Tamil Nadu intending to travel by Air or Ship, processing of the applications received through online or by any other means as per the policy of Haj Committee of India, receiving of voluntary donations and other amounts due, selecting the pilgrims with reference to the quota allotted to the State by conducting qurrah (draw of lots) or by any other method as per the policy of Government of India or Haj Committee of India, Mumbai ;

(b) issuing necessary clarifications to Haj pilgrims from time to time or on a specific request ;

(c) nominating members for the Building Selection Team ;

(d) selecting and arranging to depute Khadim-ul-Hujjaj (Haj volunteers) to Saudi Arabia to look after the welfare of the Haj pilgrims of Tamil Nadu or of any other State / Union Territory, as required by the Haj Committee of India ;

(e) issuing Haj and Umra booklet for free distribution to Haj Pilgrims every year ;

(f) reporting and representing the problems faced by the Haj Pilgrims to the Haj Committee of India, Mumbai and other relevant Ministries of the Government of India ;

(g) taking all other possible steps to remove the difficulties faced by the Haj pilgrims ;

(h) taking necessary steps to put up lodging and other facilities for Haj pilgrims proceeding from Chennai and other designated places ;

(i) making supporting arrangements during operation of Haj flights from Chennai to Jeddah and return, like providing transit accommodation to outstation pilgrims, transport facility to airport, assisting pilgrims at the time of embarkation/ disembarkation, etc ;

(j) organizing orientation / training programmes at various districts to train the Haj pilgrims ;

(k) organizing inoculation programme against Meningitis or any other disease to the Haj pilgrims at various districts, in consultation with the District Health Authorities and the State Government ;

(l) conducting co-ordination meetings with various Central and State Government agencies for smooth operation of flights, etc ;

(m) receiving any contributions, donations, etc., from the pilgrims or philanthropists, which shall be added to the Haj Fund and used in accordance with the Rules; and

(n) any other activity required to promote the well – being of the Haj pilgrims.

13. Resignation of Chairperson and members .–

The Chairperson, or any other member of the Committee may resign his office by giving a notice in writing under his hand to the Government and the resignation shall be effective from the date of such notice.

14. Removal of Chairperson and members .–

The Chairperson or any member of the Committee may be removed from office in accordance with the provisions of Section 25 of the Act.

15. Filling up of casual vacancy in the office of Chairperson / Member .–

(1) A casual vacancy in the office of Chairperson and member shall be filled in accordance with the provisions of section 21 and section 26 of the Act, respectively.

(2) Any person filling such casual vacancy shall remain in office only so long as the Chairperson, in whose place he is elected or appointed, would have had office, if the vacancy had not occurred.

CHAPTER – IV

APPOINTMENT AND FUNCTIONS OF EXECUTIVE OFFICER AND EMPLOYEES

16. Terms and conditions of services of the Executive Officer of the Committee.-

The appointment to the post of Executive Officer under sub-section (1) of Section 29 of the Act, shall be made by the Government by transfer on deputation basis from amongst its officers not below the rank of Deputy Secretary to Government :

Provided that the person so appointed shall preferably be a Muslim.

17. Functions of the Executive Officer.-

(1) The Executive Officer of the State Committee shall execute the decisions of the State Committee and carryout its directions relating to implementation of such decisions in the day-to-day performance of his duties :

Provided that in case of any difference of opinion between the Executive Officer and the State Committee, he shall bring the matter to the notice of the State Government whose decision thereon shall be final :

Provided further that in the absence of the State Committee, the Executive Officer shall perform the functions of the State Committee.

(2) The Executive Officer shall be the *ex-officio* Member of the State Committee and shall be responsible for:-

(a) issuing the notices of the meetings of the State Committee and other important circulars to its members;

(b) recording the minutes of the meetings of the State Committee,

(c) conducting all correspondences between, -

(i) the pilgrims and the State Committee;

(ii) the State Committee and the State Government;

(iii) the State Committee and the Haj Committee of India, Mumbai, Ministry of Minority Affairs and other relevant Ministries of the Central Government, if necessary;

(iv) the State Committee and various authorities of the State or Central Government involved in making arrangements for the operation of Haj flights;

(v) the State Committee and various voluntary organizations, philanthropists, etc.

(d) Perform such other functions as may be entrusted to him by the State Committee.

(3) The Executive Officer shall, for carrying out the functions prescribed under this rule, prepare and place before the State Committee, from time to time, Schedules setting forth , -

(a) the designations and grades of other officers and employees of the State Committee to be maintained, the procedure for their recruitment and the number of such officers and employees who in his opinion, should be appointed;

(b) the salaries, fees and allowances which, in his opinion should be paid to such officers and employees.

(4) The State Committee may approve the Schedules referred to in sub-rule (3) or make such modifications therein, as it may deem proper, subject to the previous sanction of the State Government.

(5) In the absence of the State Committee, the Executive Officer shall nominate the members of the Building Selection team.

(6) The Executive Officer shall issue instructions to the Haj volunteers and member(s) of Building Selection Team in accordance with the guidelines issued from the Ministry of Minority Affairs or Haj Committee of India, Mumbai, which shall be binding on such persons.

18. Officers and employees of the State Committee.-

(1) The State Committee shall, with the previous sanction of the State Government, employ such officers and other employees, preferably Muslims, as it deems necessary in accordance with the procedure of recruitment of the State Government to carry out the purposes of the Act.

(2) All the officers and other employees of the Committee appointed under sub-section (4) of Section 29 shall be responsible to the Executive Officer and shall act according to his instructions.

(3) The Tamil Nadu State Haj Committee shall consist of the following classes and categories of employees, namely:-

<i>Class</i>	<i>Designation</i>	<i>Number of Posts</i>
CLASS I	Executive Officer	1
CLASS II		
Category I	Administrative Officer *	1
Category II	Superintendent	1
CLASS III		
Category I	Assistant	2
Category II	1. Junior Assistant	3
	2. Accounts Assistant	1
Category III	Driver	1
Category IV	Typist-cum-Computer Operator	1
Category V	Record Clerk	1
CLASS IV	Office Assistant	2

***Deputation from the post of Section Officer in the Tamil Nadu General Services.**

(4) The provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act No. 14 of 2016), the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, the Tamil Nadu Government Servants' Conduct Rules, 1973 and such other rules as the State Government may direct shall, with such modification as may be required, apply to the employees of the State Committee:

Provided that nothing contained in the said Act or Rules shall adversely affect any officer or employee of the State Committee serving in any Class or Category on the date of coming into force of these Rules.

19. Funds of the State Committee .-

(1) The Funds of the State Committee shall consist of grants or loans sanctioned by the State Government for various purposes, contributions or grants received from the Central Government, annual subsidy received from Haj Committee of India, Mumbai, voluntary donations or contributions received from Haj pilgrims, individuals, institutions and other receipts.

(2) The Funds of the State Committee shall be duly accounted for by the Executive Officer of the State Committee and deposited in nationalized banks.

CHAPTER V**ACCOUNTS****20. Custody of the State Haj Fund .-**

(1) Subject to the provisions of the Act and the rules made there under, all sums placed to the credit of Tamil Nadu State Haj Fund under section 32, shall be held by the State Committee in trust and shall be applied for the purposes mentioned in section 33 of the Act.

(2) (a) All money transactions to which any officer or employee of the State Committee is a party in his official capacity shall, immediately and without any reservation, be accounted for and entered in the books of the State Committee.

(b) All monies received, including voluntary contributions other than money withdrawn from the bank to meet current expenditure, shall be paid in full into the bank for credit to the Tamil Nadu State Haj Fund on the day following the date of receipt or, if that be a bank holiday, on the next day on which the bank is open.

(3) The Tamil Nadu State Haj Fund shall be kept in a nationalized bank as the State Committee may, from time to time, direct.

(4) No payment shall be made out of the Tamil Nadu State Haj Fund, except upon a cheque signed by one or more officers authorized by the State Committee.

21. Estimate of Income and Expenditure.-

(1) The Executive Officer shall prepare an estimate of income and expenditure of the State Committee for the year commencing on the first day of April of the ensuing financial year and lay before the State Committee to be held in the last quarter before the end of the current financial year for its approval.

(2) The State Committee shall consider the estimate submitted under sub-rule (1) and approve such estimate either unaltered or subject to such alteration, as it thinks fit.

(3) The State Committee may, at any time, during the year for which any estimate has been sanctioned under sub-rule (2), cause a supplementary estimate to be prepared, if necessary. Such supplementary estimate shall be considered and approved by the State Committee, in the same manner, as if it were an original annual estimate.

22. Annual Report of the State Committee.-

(1) A brief Annual Report on the activities of the State Committee or of any organization that may be established under its control shall be prepared and communicated to the State Government annually within six months after the end of the financial year to be laid down before the State Legislature.

(2) Copies of the Annual Report shall be communicated to all members of the State Committee at their last known addresses for information or placed before the State Committee, as the case may be.

(3) Copies of the Annual Report shall be communicated to the Ministry of Minority Affairs (Haj Cell), Government of India and Haj Committee of India, Mumbai, through the State Government.

23. Maintenance of Accounts and Audit.-

(1) The State Committee shall maintain accounts and other records and cause its books of accounts to be audited in the last working day of the month of March in each financial year. The Accounts Registers and Annual Statements of Accounts shall be as set out in the Forms I and II appended to these rules.

(2) The accounts of the State Committee shall be maintained properly on the advice of a qualified Chartered Accountant.

(3) The accounts shall be examined and audited every year by the auditors approved by the State Government, and the Audit Report shall be sent to the State Government. For the purpose of auditing, the auditors shall have access to all the accounts, records and connected correspondences of the Committee.

(4) The accounts of the State Committee as certified by the auditors together with audit report shall be forwarded annually by the State Committee to the State Government.

(5) The State Government shall, as soon as may be, after the receipt of the Audit Report under sub-rule (3), cause the same to be laid before the State Legislature along with the Annual report of the State Committee.

(6) The cost of audit as may be determined by the State Government shall be met from the State Haj Fund.

CHAPTER VI

MISCELLANEOUS

24. Supersession of the State Committee :-

(1) If, in the opinion of the State Government, the State Committee is unable to perform, or persistently make default in the performance of the duties imposed on it by or under this Act or exceeds or abuses its powers, this State Government may, by an order published, together with a statement of the reasons therefor, in the official Gazette supersede it for such period as may be specified in the order :

Provided that before making an order of supersession as aforesaid, the State Government shall give a reasonable opportunity to the State Committee to show cause why it should not be superseded.

(2) When the Committee is superseded by an order under sub-section (1) .-

(a) all members shall, on such date as may be specified in the order, vacate their offices as such members without prejudice to their eligibility for nomination under Clause (d);

(b) during the period of supersession of the State Committee, all powers and duties conferred and imposed upon the State Committee by or under this Act shall be exercised and performed by such officer or authority as the State Government may appoint in that behalf ;

(c) all property vested in the State Committee shall, until it is reconstituted, vest in the State Government ;

(d) before the expiry of the period of supersession, nominations shall be made by the State Government for the purpose of reconstituting the State Committee.

(3) An order of the supersession made under this section together with a statement of the reasons therefor shall be laid before the legislature as soon as may be after it has been made.

25. Relaxation of Rules .-

Subject to the provisions of the Act, the Government may on the recommendation of the Committee with absolute majority, relax any provision of these rules for the better functioning of the Committee.

26. Saving .-

Notwithstanding anything contained in these rules, all things done or actions taken by the Committee or the Government before the commencement of these rules shall be deemed to be validly done under these rules.

APPENDIX

FORM - I

Accounts Registers

See rule 23 (1)

Payment Register.

Serial Number	Date	Cheque Number	Favour of and Purpose	Amount Rs.
(1)	(2)	(3)	(4)	(5)

Receipt Register.

<i>Serial Number</i>	<i>Date</i>	<i>Cheque/DD Number</i>	<i>From whom the Cheque/DD Received and purpose</i>	<i>Amount Rs.</i>
(1)	(2)	(3)	(4)	(5)

Fixed Deposit Register.

<i>Serial Number</i>	<i>Date</i>	<i>Name of the Nationalised Bank</i>	<i>Amount Deposited Rs.</i>	<i>Date of Deposit</i>	<i>Date of Maturity</i>	<i>Maturity Value Rs.</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Permanent Advance Register

Opening Balance :
 Details of expenditure with vouchers :
 Closing balance :

FORM – II**Annual Statement of Accounts***See rule 23(1)***BALANCE SHEET****Liabilities**

Sundry Credit Balances
 Fund Account

Assets

Fixed Assets
 Fixed Deposits with Banks
 Other Deposits
 Advances
 Sundry Debit Balances
 Cash with Banks
 Cash on hand

RECEIPTS AND PAYMENTS ACCOUNT**Receipts**

Opening Balance
 Cash on hand
 Cash with Banks
 Donations
 Contribution for Haj and Umrah
 Service/Handling charges
 Bank Interest

Payments

Administrative Expenses.
 other Payments.

 Advances given.

 Purchase of assets.

Sponsorships	Investment in Fixed Deposits.
Miscellaneous Income	
Administration Grant from Tamil Nadu State Government	
Haj Susidy from State Government	State Government Haj Subsidy to Haj Pilgrims
Bank Interest (Haj Subsidy a/c)	Bank Charges
Part II Scheme/ Grant sanctioned by the State Government towards infrastructure	
Amount received from Tamil Nadu State Government	
Amount received from Haj Committee of India, Mumbai	
Advance recoveries	
Maturity of fixed Deposits	Closing Balances
	Cash on hand
	Cash with Banks

Income and Expenditure Account

Expenditure	Income
To Administrative Expenses	By Donations
To Miscellaneous Expenses	By Contribution for Haj and Umrah Booklet.
To Depreciation	By Service/Handling Charges
	Bank Interest
	By Sponsorships
	By Miscellaneous Income
To Surplus	By Deficit.

A. KARTHIK,
Secretary to Government.